



Michael Th. Bourque
Assistant General Counsel

Praxair, Inc
Law Department
P.O. Box 1990
Lenox, MA 01240-4990
Direct Dial 203-297-3625

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Via Email and First Class Mail

4 May 2015

Mr. Robert Werner
Enforcement Officer (6SF-TE)
U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, TX 75202

Re: General Notice Letter for CES Environmental Services, Inc. – Houston Superfund Site in Houston, Harris County, Texas

Dear Mr. Werner:

This responds to the General Notice Letter from Carl E. Edlund, dated 27 February 2015, which provided notice to Praxair, Inc. of potential responsibility for response actions at the CES Environmental Services, Inc. Superfund Site (Site) under the Comprehensive Environmental Response, Compensation and Liability Act. As we received the General Notice Letter on 4 March 2015, this response has been timely submitted within 60 calendar days of receipt.

Since receipt of the General Notice Letter, Praxair has made good faith efforts to investigate the allegations that wastes generated by the company were transported to the Site or that hazardous substances were released at the Site as residue from hazardous substances "transported in a CES tanker trailer." Among other efforts, Praxair promptly submitted public information requests to the U.S. Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality (TCEQ) seeking to obtain information regarding waste disposal records and other relevant documents.

In addition, Praxair retained counsel from Beveridge & Diamond to assist in the investigation and handling of this matter. Our outside counsel, Edward Grauman, made initial contact with Amy Salinas, Assistant Regional Counsel, seeking to obtain information about Praxair and other potentially responsible parties identified in the General Notice Letter. Based on that conversation, we understood that information about waste shipments would be made available to Praxair and other PRPs sometime prior to the date for response.

As part of this outreach, Mr. Grauman also learned that U.S. EPA has identified and intends to issue general notice letters to other PRPs in connection with this Site. These include parties who had received requests for information from TCEQ. Certain of the PRPs identified are clients of Beveridge & Diamond, which has required our outside counsel to suspend further representation of Praxair, Inc. pending resolution of conflicts. This has made it very difficult for Praxair to complete its investigation and evaluation of this matter.

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As of the date of this letter, we have not received the information necessary to proceed to negotiations with EPA. Although we have been in contact with federal and state government agencies and authorized copying, we have not yet received documents or information responsive to our public information requests. Nor have we been provided with information about waste shipments or additional PRPs that Mr. Grauman had discussed with Ms. Salinas. Moreover, our outside counsel has not yet resolved the waiver of conflicts, which would allow them to continue to represent Praxair in this matter (though we hope and expect this will occur shortly).

For the above reasons, Praxair would respectfully request that EPA provide an extension of time to allow Praxair to complete its investigation and evaluation of this matter. We believe that such an extension would be justified under the circumstances and would not unduly delay the process of reaching an overall settlement of this matter. This response should not be considered a refusal by Praxair to enter into settlement negotiations with EPA on this matter. However, Praxair cannot agree to enter into good faith negotiations with EPA until we have completed our analysis of potential responsibility and explored the possibility for collaboration with other PRPs. For this purpose, we would request an additional 60 days to respond to the General Notice Letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Th. Bourque", followed by a long horizontal flourish line.

Michael Th. Bourque

cc: Guillermo Bichara
David Strauss



Praxair, Inc.
39 Ridgebury Road
Danbury, CT 06810-5113



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Mr. Robert Werner, Enforcement Officer
US EPA Region 6
1445 Ross Avenue
Dallas, TX 75202

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